



EFW

Attorney Docket No.: **43888-267**  
**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	:	
	:	Customer No.20277
Tsutomu OHZUKU, et al.	:	
	:	Confirmation No.: 9492
Serial No.: 10/629,815	:	
	:	Group Art Unit: 1745
Filed: July 30, 2003	:	Examiner: CYNTHIA K. LEE
	:	
For:	:	POSITIVE ELECTRODE ACTIVE MATERIAL AND NON-AQUEOUS ELECTROLYTE SECONDARY BATTERY CONTAINING THE SAME

**ELECTION UNDER 35 U.S.C. § 121**

Mail Stop Amendment  
Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed June 2, 2006, having a shortened statutory period for response set to expire July 2, 2006, Applicants elect, without traverse, Species "Co" for M, and identify claims 1-14 as reading on the elected *Species*, for initial prosecution on the merits. Applicants also reserve the right to file a Divisional Application for the non-elected claims, which the Examiner has indicated are patentably distinct.

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition for extension of time. The Commissioner is hereby authorized to charge any additional fees associated with this

communication or credit any overpayment to Deposit Account No. 50-0417. A duplicate copy of this Response is enclosed for accounting purposes.

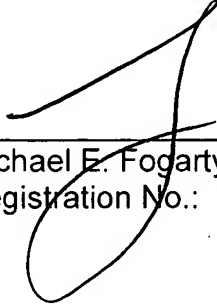
Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Date:

6/30/06

By:

  
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